

**BAILEY GLASSER LLP**

1055 Thomas Jefferson  
Suite 540  
Washington, DC 20004  
Telephone: 202 463 1100  
Fax: 202 463 2103

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 8/21/2023

August 19, 2023

VIA ECF

Honorable Analisa Torres  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *Harp Trading Ltd. v. Birch River Energy, LLC*, No. 1:23-cv-05781-AT

Dear Judge Torres:

In accordance with Section II.B of Your Honor's Individual Practices in Civil Cases, Plaintiff respectfully seeks adjournment of the September 4, 2023 conference.

At the time of this filing, Defendant has failed to appear and Plaintiff intends to seek a certificate of default in accordance with Section III.N of Your Honor's Individual Practices in Civil Cases based on the following:

- This action was commenced on July 6, 2023, with the filing of a summons and complaint. ECF Nos. 1, 3.
- On July 11, 2023, the summons was issued. ECF No. 8.
- On August 18, 2023, Plaintiff filed the affidavit of service demonstrating the summons and complaint were served on July 19, 2023. ECF No. 10.
- Under Rule 12, Defendant was required to answer "within 21 days after being served with the summons and complaint." Fed. R. Civ. P. 12(a)(1)(A)(i). Thus, Defendant's response was due on August 9, 2023. Fed. R. Civ. P. 6(a)(1)(C).
- Defendant is not an infant, in the military, or an incompetent.

Thus, Plaintiff intends to seek a Certificate of Default and begin the process for obtaining a default judgment in this matter. Plaintiff does not object to this matter being referred to a Magistrate Judge.

The parties' deadline to submit their joint letter and proposed case management plan, *see* ECF No. 7, is ADJOURNED *sine die*.

SO ORDERED.

Dated: August 21, 2023  
New York, New York

  
\_\_\_\_\_  
ANALISA TORRES  
United States District Judge